

## **HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

### **Cr. Bail Application No.S-994 of 2025.**

*[Piyar Ali Vs. The State]*

Applicant : Piyar Ali **through** Mr. Sher Dil Ansari, Advocate.

Complainant : Muhammad Ali **through** Mr. Muhammad Ali Kolachi, Advocate.

Respondent : The State **through** Mr. Altaf Hussain Khokhar, Deputy Prosecutor General.

Date of Hearing : 27.04.2026.

Date of Decision : 27.04.2026.

## **ORDER**

**Syed Fiaz ul Hassan Shah, J :-** The Applicant above-named seeks post-arrest Bail in F.I.R No.266/2025, registered at Police Station Badin, for offence punishable under Section 377-B, 34-PPC. Previously, he applied for the same relief before the learned 2<sup>nd</sup> Additional Sessions Judge, Badin but the request was declined vide order dated 16.08.2025.

2. Succinctly, the facts of the prosecution case, as per FIR, are that on 26.05.2025 at about 1400 hours, the applicant/accused committed Sodomy with the son of complainant namely Ghulam Qadir at Ahmed Soomro's lake village Allahdino Soomro, which incident was witnessed by two independent witnesses. Hence, this case.

3. Learned counsel for the applicant/accused states that as per the contents of FIR, the applicant was alleged to have been committing the act of Sodomy, which stance subsequently varies as the medical report as well as DNA report negate the incident.

4. On the other hand, learned counsel for the complainant states that 9 years old minor was being victimized in presence of two eye witnesses, who rescued the victim and therefore, in view of the medical report, if the Sodomy has not been committed, but it was a fit case for attempting to commit Sodomy, for which learned counsel states that the Applicant is not

entitled for concession of bail. He relied upon case laws reported as 1985 SCMR 195, 2010 SCMR 966, 2016 PCr.LJ 454, 2022 YLR 1959 and 2011 MLD 75.

5. On his turn, learned Deputy Prosecutor General vehemently opposed the Bail Application and prayed for its dismissal.

6. Heard learned counsel for parties and perused the record with their assistance.

7. It appears that as per the contents of FIR, the Applicant has committed sodomy with the victim having nine (09) years old and such fact has been by two chance witnesses Loung and Hafeez and they have also supported the case of prosecution. After argument at length, when the learned Counsel for the complainant confronted with the Report of MLO as well as report of Forensic Analyst, he candidly urged that even though it is case of attempt which has also equivalent sentence under the Statute. This variation is sufficient to form a tentative opinion that the case of the Applicant is one of the further inquiry coupled with the fact that it is unacceptable to a persons of prudent mind that in case Applicant alone was committing act of sodomy with the victim, these two chance witnesses Loung and Hafeez had not interrupted to prevent such cruel offence. Further, the medical record issued by the MLO and collected by Investigation Officer indicated that there is no physical marks of violence on the private parts of the victim, while D.N.A Analyst report reflects that “The 02 Anal swab samples & cloths of victim Ghulam Qadir s/o Muhammad Ali Soomro (Item 1.0 & Item 2.0) do not contain any semen stain / sperm fractions”. Although the offence carries the minimum punishment as 14 years and makes case within limb of prohibitory clause, where bail can be granted when reasonable ground exists and in the present case the applicant/accused has made out case as of further inquiry. The investigation has already been completed; therefore, the Applicant is no more required for investigation and no fruitful would be achieved by keeping incarceration the Applicant for indefinite period.

8. In view of above, the present applicant/accused is admitted to bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Lac only) and P.R Bond in the like amount to the satisfaction of learned trial Court.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

**J U D G E**

*Ali.*